

Jackie Swigart
SECRETARY



COMMONWEALTH OF KENTUCKY

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

OFFICE OF THE SECRETARY
FRANKFORT, KENTUCKY 40601
TELEPHONE (502) 564-3350

January 22, 1980

VALLEY OF THE DRUMS
Robert Blair

John Y. Brown, Jr.
GOVERNOR

Site: *A.L. Taylor*
Break: *2.4*

RECEIVED
JAN 26 1980

DIV. OF HAZARDOUS MATERIAL
AND WASTE MANAGEMENT

Mr. Jim Scarborough
U. S. EPA
Region IV
345 Courtland
Atlanta, Georgia 30308

Dear Jim:

This is to update you briefly on cleanup proceedings at the Valley of the Drums as I promised by phone last week.

By letter of December 17, 1979, former Secretary Frank Harscher described current activities regarding the Valley of the Drums to Tom Devine, Director, Air and Hazardous Materials Division, Region IV. At that time we were in the process of obtaining commitments for cleanup assistance from the known generators of the waste material at the site. Enclosed are copies of letters from the generators in response to our letter of request of November 29, 1979. You will also recall that I advised you on December 19, by phone of our intention to meet with representatives of the companies on December 21 and invited EPA attendance. A list of those attending that meeting is also enclosed. Of the five known generator companies, Reliance Universal was the only company not represented. We had been informed that their designated representative would be out of state most of the early part of January. I am today trying to reestablish communication with Mr. Rutledge of Reliance Universal in order to more clearly define their intentions as to voluntary participation in this project.

At the December 21 meeting, the Department outlined its cleanup and disposal plan for the site, and explained in some detail how the "percentage of responsibility" for cleanup of remaining surface drums was determined based on the total percentage of drums hauled for each company by Mr. Taylor. The companies did not reject our calculations but indicated a desire to further check our figures with their own records. They also requested an opportunity to view the stacked and crushed empty drums to see if identification could be made of them. The Department agreed to defer direct decisions on the ultimate disposal and assigning of financial responsibility for these empty drums temporarily,



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Mr. Jim Scarborough
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although it was stressed that the Department expected financial and technical participation by the companies in the ultimate handling and disposal of these empties. We agreed to pursue further our hopes of shredding and recycling of the metal and potential for use of flammable liquids as boiler fuel. It was also agreed that additional empty drums might result from the transfer of materials from the currently stacked and inventoried full drums when the material was removed and disposed. An ancillary concern related to both the stacked empty drums and drums currently containing material was the definition of "empty." The Department agreed to pursue with U.S. EPA and other sources a method of determining what would constitute "empty" for the purpose of recycling or land disposal of drums.

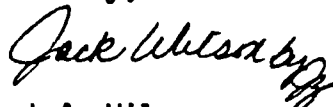
All companies present indicated a preference to go on site and identify full drums of material which might have originated from their facility and to propose a disposal plan to the Department. The Department agreed to consider this approach to the problem providing that a written plan was provided to the Department including sampling, testing, packaging, transportation and ultimate disposal or treatment provisions. We continued to register the concern that this might not result in total removal and cleanup of material and that we would seek assistance with the remaining material based on the percentage of material noted in the letter of November 29, 1979.

We further agreed to keep U.S. EPA informed, and provide any necessary state authorization for the movement and disposal of material upon final approval of the disposal plans. We further agreed to obtain access to the property for the purpose of companies inventorying materials. Formal permission for access to the property was obtained and a copy of Mrs. Taylor's attorney's letter is attached. We have further assurance of her cooperation in the future as to access to proceed with a disposal plan.

Ford Motor Company and Louisville Varnish Company were on site during the week of January 9. I anticipate receiving a proposal from Ford Motor Company within a few days requesting permission to remove and incinerate approximately 200 drums of unrecoverable solvent waste. I am hopeful that other companies will begin their inventory work in the coming weeks. I have enclosed for your information copies of recent field staff reports on the site inventory work by Louisville Varnish and Ford Motor Company.

I expect to be in contact and keep you informed as to the progress in the coming weeks. In the meantime, I hope this information is of value to you.

Sincerely,



Jack A. Wilson
Acting Commissioner

cc: Secretary Jackie Swigart
Hugh Archer
~~Roger Blair~~



DEPT FOR
NATURAL RESOURCES
AND ENVIRONMENTAL
PROTECTION

DEC 17 9 04 PM '79

OFFICE OF THE
SECRETARY

Automotive Assembly Division
Ford Motor Company

Louisville Assembly Plant
P.O. Box 32990
Louisville, Kentucky 40232

December 14, 1979

Commonwealth of Kentucky
Department for Natural Resources and
Environmental Protection
Frankfort, Kentucky 40601

Attention: Mr. C. Frank Harscher, III, Secretary

Dear Mr. Harscher:

Subject: A. L. Taylor Disposal Site

This is a response to your letter of November 29, 1979 regarding the cleanup of the A. L. Taylor industrial waste disposal site in Bullitt County, Kentucky.

Last week, Messrs. Sussman and Twilley of our Corporate Staff in Dearborn discussed this matter with Jack Wilson of your staff. We informed Mr. Wilson that it was Ford's desire to cooperate fully with the Department of Natural Resources and Environmental Protection (as we have in the past) and respond to your letter in such a manner that any program undertaken will be carried out in the most expeditious and effective manner possible. In accordance with this objective, we propose the following:

- . Plant personnel will be available to identify the drums which can reasonably be suspected of having come from a Ford facility.
- . Drums which are identified as having come from Ford will be removed by Ford and disposed of in accordance with current regulations.
- . Ford will perform analysis required for proper disposal of its drums.

We look to the appropriate regulatory agency to obtain clearance into the Taylor property for our representatives and/or contractors, and to their support in obtaining any permits or other documents required under current or future regulations.

Even though we believe that we are not legally liable for this situation, as a responsible corporate citizen it is our intent to continue to cooperate fully with the State in efforts to solve this problem. We believe that the proposed voluntary actions by Ford represent a constructive response.

Mr. C. Frank Harscher

December 14, 1979

Please advise your acceptance or rejection of this proposal by
January 15, 1980.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. S. King", followed by a small flourish.

L. S. King, Manager
Louisville Assembly Plant

LSK/cs

DEPT FOR
NATURAL RESOURCES
AND ENVIRONMENTAL
PROTECTION

LOUISVILLE VARNISH COMPANY
INCORPORATED

P. O. BOX 1255 LOUISVILLE, KENTUCKY 40201

DEC 4 10 27 AM '79
OFFICE OF THE
SECRETARY

December 5, 1979

Mr. C. Frank Harscher III, Secretary
Department for Natural Resources and
Environmental Protection
Frankfort, Kentucky 40601

Dear Mr. Harscher:

This will confirm our telephone conversation concerning your letter of November 29, 1979 to Mr. Leo Griesbaum.

I would like to say again that we are most anxious to cooperate with your agency both from a financial and technical standpoint in any cleanup action you undertake. As you suggest this participation should be proportionate to the amount of materials at the site which originated from the various firms. In this connection I would like to state that our records show we contracted for disposal only 33 drums with A. L. Taylor. If the figure of 16,000 drums which you gave me is correct then our prorata share would be something substantially less than your estimate of one percent.

Mr. Clayton Simon, our Plant Manager, has represented us in all of the previous meetings you have held and will continue to represent us in the future. In addition to Mr. Simon we will also provide technical assistance as required by your agency.

Any future correspondence concerning this matter should be directed to me.

Respectfully,



Matt Tatum, President
LOUISVILLE VARNISH COMPANY

MT/jdd



Kurfees Coatings, Inc.

201 EAST MARKET STREET • LOUISVILLE, KENTUCKY 40201 • (P.O. BOX 1093) • PHONE (502) 584-0151

December 5, 1979

DEPT FOR
NATURAL RESOURCES
AND ENVIRONMENTAL
PROTECTION
DEC 6 10 27 AM '79
OFFICE OF THE
SECRETARY

Mr. C. Frank Harscher, III
Department for Natural Resources &
Environmental Protection
Frankfort, KY 40601

Mr. Harscher, I telephoned for you yesterday having received your letter in the morning mail. You were unavailable to talk, and I left a message for you to return my call at your convenience.

I thought I would advise you in this manner so that you might have our thoughts in answer to your November 29, 1979, letter.

Kurfees Coatings, Inc. is willing to cooperate in any way we possibly can to assist in disposition of the problem of improper waste disposal at the site in Bullitt County. We have no way of knowing whether or not our drums were actually disposed at the site; however, A. L. Taylor did do some hauling for this company.

We will be willing to meet with representatives of your Department to discuss a plan for the removal of any drums which we can identify.

Before we agree to a number such as the 2% stated in your letter, we will have to know more about the method of calculation and total cost calculations. We will be happy to discuss this with your representatives.

Kurfees Coatings, Inc. is only too happy to cooperate to have this matter resolved as expeditiously and efficiently as possible. Please advise us of the date and site. We will be represented.

D. B. Kurfees
President

DBK:mmm

cc: L. C. Lang
Hiram Ely

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AND ENVIRONMENTAL
PROTECTION

DEC 14 8 50 PM '79
RELIANCE UNIVERSAL INC.

CORPORATE OFFICES • SUITE 1600 WATKINSON TOWERS • 1630 BISHOP
OFFICE OF THE SECRETARY

LOUISVILLE, KENTUCKY 40218 • TELEPHONE 502/459-9110

WILLIAM J. RUTLEDGE
VICE PRESIDENT - CORPORATE OPERATIONAL STAFF

December 13, 1979

Mr. C. Frank Harscher, III
Secretary
Kentucky Department for Natural Resources
and Environmental Protection
Capital Plaza Towers, 5th Floor
Frankfort, Kentucky 40601

Dear Secretary Harscher:

This will acknowledge receipt of your letter of
November 29, 1979.

Reliance Universal Inc. has always cooperated with
the Department for Natural Resources and Environmental
Protection, and it is our intention to continue that co-
operation.

You specifically asked for the name of the individual
from our Company who would be available to discuss your
plans with respect to the "Valley of the Drums". It would
be appropriate for you to continue to contact Reliance
through me.

In the event further on-site identification of materials
is necessary, I will see to it that someone from Reliance
with the required technical expertise is available for that
purpose.

I feel that a few comments to your November 29, 1979,
letter are necessary. You have estimated that Reliance
may be the source for 49% of the containers and materials
at the site. At our meetings with the Department in the
past, and in our letter to Secretary Mooney of March 26,
1979, we informed the Department that Reliance sells its

Mr. C. Frank Harscher, III
Secretary
Kentucky Department for Natural Resources
and Environmental Protection
December 13, 1979
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products to customers in drums. These drums with Reliance's markings on them may be utilized by customers, drum washers, solvent reclaimers and others for their own purposes, including waste disposal. Also, with respect to any drum in which the contents may have, in fact, originated at Reliance, that drum would not contain any highly toxic solvents such as benzene, chlorinated hydrocarbons, or PCB.

We remain available to discuss this subject as deemed necessary.

Very truly yours,

RELIANCE UNIVERSAL INC.

A handwritten signature in cursive script, reading "William J. Rutledge".

William J. Rutledge
Vice President
Corporate Operational Staff

WJR:paf

GENERATOR MEETING

December 21, 1979

Jack A. Wilson	DNREP, Acting Commissioner, BEP	(502)564-2150
Hugh N. Archer	DNREP, Office of General Counsel	(502)564-5576
Carroll Lang	Kurfees Coatings, Inc.	(502)584-0151
Fred Porter	Ford Motor Company	(313)337-9395
S. H. Horton	Ford Motor, Louisville Plant	(502)366-9511 Ext. 254
J. B. Currin	Ford Motor, Louisville Plant	(502)366-9511
Clayton L. Simon	Louisville Varnish Co.	(502)587-6923
George W. Whiteside	George W. Whitesides Co. Inc.	(502)778-4492
Nancy Osborne	DNREP	(502)564-2150
Roger Blair	DNREP	(502)564-6716
Arthur S. Curtis, Jr.	DNREP	(502)564-2424

BENNETT, BOWMAN, TRIPLETT & VITTITOW

ATTORNEYS AT LAW

SUITE 7-9 ODD FELLOWS BUILDING

THIRD & ST. ANN STREETS

OWENSBORO, KENTUCKY 42301

(502) 683-5308

JOHN L. BENNETT
HENRY A. TRIPLETT
JAMES G. BOWMAN
CHESTER A. VITTITOW, JR.
DOUGLAS B. TAYLOR
LEE E. SITLINGER
ROBERT R. DEGOLLAN
ROBERT V. BOWERS, JR.

EDWARD J. HOGAN (1899-1963)
JOE H. TAYLOR (1905-1974)
HENRY V. B. DENZER (1921-1976)

LOUISVILLE OFFICE
231 SOUTH 5TH ST. 3RD FLOOR
LOUISVILLE, KENTUCKY 40202
(502) 583-5581

January 10, 1980

RECEIVED
JAN 14 1980
OFFICE OF
GENERAL COUNSEL

Mr. Hugh N. Archer
Attorney at Law
Department for Natural Resources
and Environmental Protection
Frankfort, KY 40601

Re: Department of Natural Resources v. Taylor

Dear Hugh:

Confirming our conversation and agreement at our meeting of January 7, 1980, any representative of the five generators may enter upon Nell Taylor's Valley of the Drums property, provided it is in the presence or under the supervision of a representative from the Department of Natural Resources, only for the purpose of identifying and locating drums on the property for the purpose of establishing which generator will remove which drums and at what time.

Under no circumstance may anything be removed from the property without our express written consent prior to the time of such removal. And, any entry onto the property except under the abovestated conditions will be deemed unauthorized and, therefore, illegal.

Thank you for your time for the meeting and please express my gratitude to the Secretary for her willingness to try to resolve this matter in the near future.

Very truly yours,


ROBERT VIC BOWERS, JR.

RVBjr/lbj

cc: Nell Taylor